

Topsfield Zoning Board of Appeals

February 11, 2014

Chairman Moriarty called the meeting to order at 8:00 PM at the Proctor School Library. Board members present were Robert Moriarty, Jody Clineff, David Merrill, David Moniz and Gregor Smith. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents. See attendance sheets for specific public hearings.

Visitors: Selectmen Dick Gandt and Martha Morrison; Attorney Alan Grenier, Sean Ward, Melinda Gutman, Michael Gutman, Kerry Cheever, George Rogers, Don Corbett, Candice Ward, James Sacco, Gordon Rogerson, Richard Kosian, Steven Hall.

17 Main Street: James Sacco, owner of the Main Street Market commenced a discussion with the Board concerning his request to allow eight additional seats for customers at The Market. He explained that during the warmer months there is additional outside seating for customers to use; however, during the winter months the market needs some additional seats for customers who wish to stay and eat their “take-out” food. He noted that he is not a restaurant and does not provide tableware.

Chairman Moriarty responded that market is operating under a use restriction and as such the Zoning Board has no authority to issue a variance. He then deferred to the Planning Board Chair Martha Morrison who was present for the discussion. Ms. Morrison noted that The Market was operating under the use category of Retail Specialty Foods which is primarily a retail operation with an accessory food component. She noted that the Planning Board would be willing to look at the definition in terms of seats and required parking for the primary retail use.

Member Gregor Smith, former Planning Board member, who participated in the drafting of the various restaurant use categories and that of the retail specialty foods use, agreed that the Planning Board would need to review the definition in terms of zoning requirements to see if the seating restriction could be eliminated.

116 Boston Street: At 8:25PM, Chairman Moriarty called to order the continued public hearing to consider the application of Syllogistic Management Solution, LLC for premises located at 116 Boston Street for (1) a special permit for the conversion of a residential dwelling with horse farm to a conference and event facility pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 2. Community Facilities, Sub-section 2.17 Conference and Event Facility for said facility located in the Outlying Residential and Agricultural District; and (2) site plan review pursuant to Article IX of the Zoning Bylaw.

Peer Review Engineer Richard Kosian of Beals and Thomas Inc. commenced the discussion with an executive summary review of the Supplemental Peer Review, dated January 28, 2014, of the Syllogistic Conference Center relative to site plan and

stormwater management design for the parking lot. Items 2, 5, 10, 11 and 13 were tagged for additional engineering that could be provided during construction as a condition of the Stormwater Management Permit.

The items are set forth below:

- Item No. 2. The Applicant should verify that the required offset to groundwater has been met for the design of the proposed infiltration basin.
- Item No. 5. The Applicant has indicated top and subsoil will be removed from the drainage basin and the bottom of the basin will be filled to grade with sand or sandy loam. The plan should be revised to indicate the foregoing design change.
- Item No. 10. The Applicant has responded that 2:1 slopes were utilized to minimize grading on the existing slope; however, did not address the geotechnical stability of the potentially saturated soil berm to be constructed on the existing “fairly steep slope”. Beals and Thomas Inc. recommended that the Applicant provide documentation from a qualified geotechnical engineer verifying the integrity of the berm as designed.
- Item No. 11. Beals and Thomas Inc. recommended that the Applicant widen the top of the berm to improve basin integrity and refers to recommendation in Item 10 above.
- Item No. 13. The Applicant has indicated that the basin will be pumped out and rebuilt if it will not infiltrate. Beals and Thomas Inc. recommended that the Applicant’s alternative solution become a condition of the permit.

The Board took exception relative to Item 10 and required the Applicant to contract a geotechnical engineer to verify the integrity of the berm at a 2:1 slope. Project Engineer Gordon Rogerson responded that Hayes Engineering President had a geotechnical background and he would be able to review the issue and forward a report for the next meeting.

The Board then reviewed the drafted conditions for the special permit with the Applicant and his representative Attorney Alan Grenier. A list of draft conditions were read into the record by the Community Development Coordinator Roberta Knight. The Board and applicant agreed to language revisions regarding the preservation restriction for the property; language revisions relative to restriction for the undeveloped field such that that portion of the parcel of land cannot be subdivided in the future and the addition of conditions recommended in the Supplemental Peer Review dated January 28, 2014. See the attached revised conditions for specific details.

The public hearing was continued to February 25, 2014 at 8:15PM for documentation from a geotechnical engineer on the stability of the berm.

The meeting was adjourned at 9:25 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator

Draft Language for Special Permit Conditions for 116 Boston Street

1. The Findings

The Board determined that the subject property is located in the Central Residential District. The Board found that the granting of a special permit pursuant to Article V, Section 5. 04 and Article III, Table of Use Regulations Section 2. Community Facilities, Sub-section 2.16 Conference and Event Facility:

- Would not be detrimental to the public convenience or welfare
- Would not create undue traffic congestion or impair pedestrian safety
- Would not overload any public water, drainage, sewer or other municipal system
- Would not impair the integrity or character of the Central Residential district or adjoining zones
- Would not be detrimental to health, safety or welfare of the general public

2. The Decision

- _____ moved that the Board adopt the foregoing findings and grant a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 2. Community Facilities, Sub-section 2.16 Conference and Event Facility subject to the following conditions:
- The special permit is limited to the Syllogistic Management Solutions LLC so long as Sean Ward and Michael Gutman either own or hold a controlling interest in that company.
- Any transfer of the real estate or control of or ownership of Syllogistic Management Solutions LLC by Sean Ward and Michael Gutman shall require the prior approval of the Board for the continuance of the special permit, absent which, the special permit would become null and void.
- The property's buildings as listed in the Town of Topsfield Inventories List of "Significant Structures" are Peirce, Col. Thomas Wentworth House, 1821; Peirce, Col. Thomas Wentworth Stable, 1880; Peirce, Col. Thomas Wentworth Summerhouse, 1920 and the Crowninshield, Benjamin W. Circulation System, 1821. The owners must notify the Topsfield Historical Commission prior to any exterior changes to these structures and follow the rules and regulations as established by the Commission pursuant to the General Code, Chapter XXVI, Demolition Delay Bylaw.
- The Applicant *shall take all the appropriate steps to secure* an historic preservation easement for the structures as listed above through either a

federal, state or non-profit easement agreement *and report progress to the Board on a periodic basis.*

- The Applicant *shall take all the appropriate steps to secure a conservation /open space* restriction for *the undeveloped field* such that *that portion* of the parcel of land cannot be subdivided in the future.
- The permit is conditioned on a final site plan approval by the Board for any further site construction that may be required by MassDot and / or other town boards.
- The permit is conditioned on the approval of the septic system by the Topsfield Board of Health as shown on said plan “Site Plan Syllogistic Conference Center 116 Newburyport Tnpk. (Boston St) Topsfield, Mass 01983”; dated August 24, 2011; revised for SWMA December 17, 2013”.
- The permit is conditioned on the issuance of a Stormwater Management Permit by the Planning Board based on the stormwater and erosion control review by the Zoning Board as part of the site plan review process and subject to the conditions listed in the Supplemental Peer Review Report by Beals and Thomas, Inc. dated January 28, 2014.